

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

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www.ca8.uscourts.gov

June 08, 2023

Mr. Michael Kiel Kaiser
LASSITER & CASSINELLI
Suite 800
1218 W. Sixth Street
Little Rock, AR 72201-0000

4:17-cr-00293-45-BSM

RE: 23-2396 United States v. Marcus Millsap

Dear Counsel:

The district court has transmitted a notice of appeal and docket entries in this criminal matter, and we have docketed them under the caption and case number shown above. Please include the caption and the case number on all correspondence or pleadings submitted to the court.

Counsel in the case must supply the clerk with an Appearance Form. Counsel may download or fill out an [Appearance Form](#) on the "Forms" page on our web site at www.ca8.uscourts.gov.

The district court has informed us that the \$505 docketing and filing fees have not been paid in the case, and you must either pay them immediately or file a motion with the district court seeking permission to proceed in forma pauperis. Your duties as counsel are defined by [Eighth Circuit Rule 27B](#) and the [Eighth Circuit's Plan to Expedite Criminal Appeals](#). Please review these materials which are on the "Rules and Publications" page of our web site.

The court has established a briefing schedule for the case, a copy of which will be forwarded under separate notice of docket activity. Please review the schedule and note the key filing dates. You should also review [Federal Rules of Appellate Procedure](#) 28 and 32, as well as Eighth Circuit Rules 28A and 32A. Useful information about briefing and the record on appeal can be found at these links:

media.ca8.uscourts.gov/newcoa/notes/redacter-egov.pdf
media.ca8.uscourts.gov/newcoa/forms/crbchck.pdf
media.ca8.uscourts.gov/newcoa/forms/crrecord.pdf

Please note that the court has eliminated the requirement for a clerk's record in criminal appeals, effective January 1, 2013. Record references to the district record made in pleadings and briefs filed in this court must be to the district court docket. For example, if the motion to suppress is district court docket number 11 and a party wishes to reference page 7 of the motion to suppress, the reference in the brief should be in the format: (R. Doc. 11, at p.7). Transcript references should be to Volume and page number (TR., Vol. 1, p. 123). Exhibit references

should be to the exhibit label attached in the district court proceedings: (Government Exh. 1, page 3; Defense Exh. C, page 4). References to the Presentence Investigation Report should be to page number: (PSR, p.17). Additional information should be provided whenever it is necessary to clearly identify a document and avoid confusion.

Paper copies of transcripts, Statements of Reasons, Presentence Investigation Reports and exhibits will be still forwarded from the district court to the circuit clerk's office, and counsel should check with the district court clerk's office to assure that all necessary materials are transmitted on a timely basis.

If a transcript will be required for the appeal, you should promptly contact the official court reporter and take steps to order the transcripts and arrange for payment for their production.

The court has directed the clerk's office to monitor and enforce compliance with the briefing schedule. Failure to meet the briefing deadlines will result in the issuance of an order to show cause and may lead to dismissal of the appeal, as well as the initiation of disciplinary proceedings. Requests for extensions of time must be filed on a timely basis and should establish good cause. Overlength briefs are strongly discouraged.

On June 1, 2007, the Eighth Circuit implemented the appellate version of CM/ECF. Electronic filing is now mandatory for attorneys and voluntary for pro se litigants proceeding without an attorney. Information about electronic filing can be found at the court's web site www.ca8.uscourts.gov. In order to become an authorized Eighth Circuit filer, you must register with the PACER Service Center at <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-regform.pl>. Questions about CM/ECF may be addressed to the Clerk's office.

If you have any questions about the schedule or procedures for the case, please contact our office.

Michael E. Gans
Clerk of Court

CMH

Enclosure(s)

cc: Ms. Judith A. Ammons
Ms. Liza J. Brown
Ms. Kristin Huntington Bryant
Ms. Clerk, U.S. District Court, Eastern District of Arkansas
Ms. Suzy Flippen
Ms. Stephanie Mazzanti
Ms. Suzanne McKennon
Mr. Marcus O. Millsap

District Court/Agency Case Number(s): 4:17-cr-00293-BSM-45

Caption For Case Number: 23-2396

United States of America

Petitioner - Appellee

v.

Marcus O. Millsap

Defendant - Appellant

Addresses For Case Participants: 23-2396

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1218 W. Sixth Street
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1814 W. 238th Street
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Mr. Marcus O. Millsap

PULASKI COUNTY DETENTION FACILITY

32531-009

3201 W. Roosevelt Road

Little Rock, AR 72204-0000

Forrest Dunn

From: ca08ml_cmecf_Notify@ca8.uscourts.gov
Sent: Thursday, June 8, 2023 4:27 PM
Subject: 23-2396 United States v. Marcus Millsap "CRIMINAL case docketed" (4:17-cr-00293-BSM-45)

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.

Eighth Circuit Court of Appeals

Notice of Docket Activity

The following transaction was filed on 06/08/2023

Case Name: United States v. Marcus Millsap
Case Number: [23-2396](#)
Document(s): [Document\(s\)](#)

Docket Text:
CRIMINAL case docketed. [5285232] [23-2396] (Crystal Henderson)

Notice will be electronically mailed to:

Ms. Judith A. Ammons, Court Reporter: jaammons@gmail.com
Ms. Liza J. Brown, Assistant U.S. Attorney: Liza.Brown@usdoj.gov, jarie.potts@usdoj.gov, stephanie.mazzanti@usdoj.gov, john.webster@usdoj.gov, leslie.bright@usdoj.gov, caseview.ecf@usdoj.gov
Ms. Kristin Huntington Bryant, Assistant U.S. Attorney: Kristin.Bryant@usdoj.gov, christy.averett@usdoj.gov, stephanie.mazzanti@usdoj.gov, john.webster@usdoj.gov, leslie.bright@usdoj.gov
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Ms. Suzy Flippen, Court Reporter: suzy_flippen@ared.uscourts.gov
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Ms. Suzanne McKennon, Court Reporter: Suzanne@ears2hands.com

Notice will be mailed to:

Mr. Marcus O. Millsap
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PULASKI COUNTY DETENTION FACILITY
3201 W. Roosevelt Road
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The following document(s) are associated with this transaction:

Document Description: Criminal Fee Status Letter

Original Filename: /opt/ACECF/live/forms/CrystalHenderson_232396_5285232_CriminalFeeStatusLetters_117.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1105112566 [Date=06/08/2023] [FileNumber=5285232-0]

[cac492dbc402f19ae0c91da00ac40814f56bbd1329019e653d65d59298e5cf90720f8d1b10621846c13df285c24d0efaf20212306c15c851dcfe6f980ee43a9e]]

Recipients:

- [Ms. Judith A. Ammons, Court Reporter](#)
- [Ms. Liza J. Brown, Assistant U.S. Attorney](#)
- [Ms. Kristin Huntington Bryant, Assistant U.S. Attorney](#)
- [Ms. Clerk, U.S. District Court, Eastern District of Arkansas, Clerk of Court](#)
- [Ms. Suzy Flippen, Court Reporter](#)
- [Mr. Michael Kiel Kaiser](#)
- [Ms. Stephanie Mazzanti, Assistant U.S. Attorney](#)
- [Ms. Suzanne McKennon, Court Reporter](#)
- [Mr. Marcus O. Millsap](#)

The following information is for the use of court personnel:

DOCKET ENTRY ID: 5285232

RELIEF(S) DOCKETED:

DOCKET PART(S) ADDED: 7294322, 7294323, 7294324

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

CRIMINAL APPEAL BRIEFING SCHEDULE

Appeal No. 23-2396 United States v. Marcus Millsap

Date: June 08, 2023

Briefing in criminal appeals is governed by [Eighth Circuit's Plan to Expedite Criminal Appeals](#). Counsel should also review the provisions of [Eighth Circuit Rule 27B](#).

APPEAL REQUIREMENTS

1. On January 1, 2013, the court eliminated the clerk's record as the form for the record on appeal in criminal cases. Instead, the court will review the electronic version of the pleadings and orders maintained by the district court on its official docket. The remainder of the record materials required for appellate review of the case - transcripts, exhibits, Statements of Reasons, Presentence Investigation Reports and any other items not accessible from the electronic docket - will still be forwarded in paper format for the court's use. Dates are established for transmittal of these paper documents. Directions for citation to the district court electronic docket and other documents are provided in the docketing letter sent with this schedule. Failure to follow these citation directions may result in the rejection of your brief. Questions should be addressed to the circuit court clerk's office.
2. Please promptly order any transcripts. If the appeal is proceeding in forma pauperis, requests for and payments of transcripts shall be processed through the district court's eVoucher system.
3. If you were retained for the district court proceedings and the defendant is unable to bear the cost of the appeal, a motion for leave to proceed in forma pauperis should be filed with the district court. Counsel cannot be appointed and a transcript cannot be provided at government expense unless the defendant obtains IFP status.
4. As this case was tried in four days or more, the court reporter shall file the transcript within 40 days of filing the notice of appeal.
5. Review "Briefing Checklist" and "Pointers on Preparing Briefs" at: www.ca8.uscourts.gov/appeal-preparation-information . Please note appellant's brief must include a copy of the Judgment and Commitment Order in the Addendum.
6. The government must file a single brief in multiple-defendant appeals.

GENERAL INFORMATION

The following filing dates are established for the appeals. Dates are only extended upon the filing of a timely motion establishing good cause. An order extending the time for filing a brief also extends the filing date for the responding or replying party's brief. Filing dates can also be accelerated if a party files its brief before the due date. Please refer to FRAP 25, FRAP 26 and FRAP 31 for provisions governing filing and service. You may find the Federal and Eighth Circuit rules, as well as practice aids, at: www.ca8.uscourts.gov/rules-procedures

FILING DATES:

Transcript **07/17/2023**
(Judith A. Ammons, Suzy Flippen, Suzanne McKennon)

PSI Report **07/17/2023**

Appellant's Brief (with addendum) **07/31/2023**
(Marcus O. Millsap)

Appellee's Brief **21 days from the date the court issues the**
Notice of Docket Activity filing the brief.

Appellant's Reply Brief **7 days from the date the court issues the**
Notice of Docket Activity filing the brief.

**ALL BRIEFS AND APPENDICES SHOULD BE
FILED WITH THE ST. LOUIS OFFICE**

Forrest Dunn

From: ca08ml_cmecf_Notify@ca8.uscourts.gov
Sent: Thursday, June 8, 2023 4:33 PM
Subject: 23-2396 United States v. Marcus Millsap "Criminal 4 day Briefing Schedule" (4:17-cr-00293-BSM-45)

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Eighth Circuit Court of Appeals

Notice of Docket Activity

The following transaction was filed on 06/08/2023

Case Name: United States v. Marcus Millsap
Case Number: [23-2396](#)
Document(s): [Document\(s\)](#)

Docket Text:

CRIMINAL BRIEFING SCHEDULE SET AS FOLLOWS: Transcript due on 07/17/2023. PSI due 07/17/2023. Brief of appellant due on 07/31/2023. Appellee(s) brief due 21 days from the date the court issues the Notice of Docket Activity filing the appellant(s) brief. Reply brief due 7 days from the date the court issues the Notice of Docket Activity filing the appellee brief.[5285239] [23-2396] (Crystal Henderson)

Notice will be electronically mailed to:

Ms. Judith A. Ammons, Court Reporter: jaammons@gmail.com
Ms. Liza J. Brown, Assistant U.S. Attorney: Liza.Brown@usdoj.gov, jarie.potts@usdoj.gov, stephanie.mazzanti@usdoj.gov, john.webster@usdoj.gov, leslie.bright@usdoj.gov, caseview.ecf@usdoj.gov
Ms. Kristin Huntington Bryant, Assistant U.S. Attorney: Kristin.Bryant@usdoj.gov, christy.averett@usdoj.gov, stephanie.mazzanti@usdoj.gov, john.webster@usdoj.gov, leslie.bright@usdoj.gov
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Notice will be mailed to:

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The following document(s) are associated with this transaction:

Document Description: Briefing Schedule

Original Filename: /opt/ACECF/live/forms/CrystalHenderson_232396_5285239_Criminal4DayBriefingSchedules_215.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1105112566 [Date=06/08/2023] [FileNumber=5285239-0]

[bda45ee7472f4fe6a4ea18e7c8186e3b4831a72ee343dee2e15f7fc8b4128df91048aee0659e89c5670be096731e5e0f512b384a10df9c6421abe72c45e0bb44]]

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- [Ms. Judith A. Ammons, Court Reporter](#)
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- [Ms. Kristin Huntington Bryant, Assistant U.S. Attorney](#)
- [Ms. Clerk, U.S. District Court, Eastern District of Arkansas, Clerk of Court](#)
- [Ms. Suzy Flippen, Court Reporter](#)
- [Mr. Michael Kiel Kaiser](#)
- [Ms. Stephanie Mazzanti, Assistant U.S. Attorney](#)
- [Ms. Suzanne McKennon, Court Reporter](#)
- [Mr. Marcus O. Millsap](#)

The following information is for the use of court personnel:

DOCKET ENTRY ID: 5285239

RELIEF(S) DOCKETED:

DOCKET PART(S) ADDED: 7294334, 7294335